

From: Ted Hopp
To: Microsoft ATR
Date: 12/7/01 3:49pm
Subject: Objection to Microsoft settlement

To the Department of Justice:

The proposed DOJ settlement in the Microsoft anti-trust case is troubling. We are a small company developing Internet-based, cross-platform, educational software products, primarily using the Java language. Microsoft's hostile attitude toward Java has created severe technical difficulties for us in the past, and, frankly, we do not see the proposed settlement as providing any relief to our company in this regard. From a business perspective, we are faced with the choice of either restricting our products to Microsoft-specific platforms or incurring substantially higher development costs and barriers to our products in the marketplace.

We find it sadly ironic that, while we are reading in the news about how the DOJ/Microsoft settlement will help restore competitiveness by forcing Microsoft to disclose interfaces and publish protocols, our company is being hurt financially by recent actions Microsoft has taken regarding access to such information. Microsoft recently announced a nearly 50% increase in the cost of subscriptions to Microsoft Developer Network, our primary source of the technical information we need to maintain our cross-platform product capability. A Professional Subscription (the minimum level we need) now costs about \$1,000 per year. For a very small company such as ours, this is a significant financial burden. Microsoft also is substantially scaling back their availability of free, on-line information through the MSDN Library.

It is distressing to hear that one of the three members of the proposed technical review committee that will monitor Microsoft behavior will be appointed by Microsoft. Giving Microsoft such a powerful lobbying voice in evaluating its own behavior is hardly in the public interest.

The related proposal to have Microsoft donate Microsoft products to school systems will further harm small educational software companies such as ours. The reason is simple: schools will end up using what they are given, instead of purchasing, in the marketplace, the products that best serve their needs. In the marketplace, our small company can develop a competitive strategy. In the "giveaway" world that is being proposed, we will clearly suffer.

If Microsoft were to provide free access to technical information for developers and unencumbered dollars to schools, so that developers and schools could each make the best decisions for their own needs, then this would be reasonable. The goal is to restore a true marketplace, not to replace one set of unfair practices with another.

For these reasons, I urge you to re-evaluate the settlement terms for the Microsoft anti-trust case.

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